

THE HIGHLAND COUNCIL

SOUTH PLANNING APPLICATIONS COMMITTEE
28 February 2017

Agenda Item	6.1
Report No	PLS 011/17

16/05152/FUL : Scottish Courts and Tribunals Service
Land 85m North of Police Scotland Area Command, Burnett Road, Inverness

Report by Area Planning Manager - South / Major Developments

SUMMARY

Description : Development of new Inverness Justice Centre comprising courts, offices, cafe, and ancillary accommodation

Recommendation: GRANT

Ward: 17 - Inverness Millburn

Development category: Major

Pre-determination hearing: Not required

Reason referred to Committee: Major Development

1. PROPOSED DEVELOPMENT

1.1 The application relates to the construction of a Justice Centre and ancillary works. The development comprises:

- Demolition of the former bus depot;
- Courts
- Office space;
- Cafè;
- 83 car parking spaces;
- 68 Cycle spaces (on 34 cycle stands);
- Two reconfigured accesses to Longman Road (A82(T));
- A secure access from Burnett Road; and
- Ancillary accommodation and development

1.2 The applicant has undertaken public consultation which included an event held in the Spectrum Centre, Inverness on 30 August 2016. In addition the applicant has been through the Council's Pre-Application Advice Service for Major Development and undertook a gateway check of the application in advance of the submission to the Planning Authority.

1.3 The applicant presented their proposal to the Inverness Design Review Panel. The

The Panels Executive Summary is referred to below and the main report is included as Appendix 2.

The Panel welcomes the proposal to develop the Inverness Justice Centre at this important gateway to the city centre, which it regards as a significant opportunity to create a landmark civic building. The proposed design is considered to be a well thought-out response to a complex set of needs and uses that demonstrates sensitivity towards the city and the Highland context. The Panel encourages exemplary placemaking with particular emphasis on prioritising people movement, attractive street character and a high quality open space. This requires a greater focus on improving the walking environment between the site and the city centre, enhancing the visual and spatial character of Longman Road, reinforcing the urban character of the new street, and rationalising vehicle access, parking and passenger drop-off arrangements. Better definition of the relationship between the Justice Centre campus and future development on the former college site is also required. The Panel welcomes the creation of the new street and public square, improvements to neighbourhood permeability, and use of trees to enhance street character. There is strong support for the proposed approach to maximising natural light in the design and layout of interior spaces, and the integration of public art into design at an early stage.

1.4 There is an existing access to the site on Longman Road which had historically been used to serve Inverness College UHI building and an emergency (blue light) access serving Police Scotland Area Command. The access to the site from Burnett Road is already in place and serves Police Scotland Area Command.

1.5 The application was supported by the following information:

- Design, Access and Sustainability Statement;
- Pre-Application Consultation Report;
- Landscaping Plan and Landscape Specification;
- Tree Constraints Plan;
- Bat Survey;
- Cultural Heritage Assessment;
- Drainage Assessment;
- Geo-Environmental and Geotechnical Site Investigation;
- Noise Survey;
- Planning Statement;
- Transport Assessment; and
- Visualisations.

1.5 **Variations:** None.

2. SITE DESCRIPTION

2.1 The site comprises the car park of the former Inverness College UHI building and a former bus depot most recently used as a building supplies outlet. The site is predominantly hard standing with limited soft landscaping. The site is bounded to the south by the Police Scotland Area Command, by Longman Road (A82(T)) to the east, by the former Inverness College UHI building to the north and Burnett

Road to the west.

- 2.2 The site sits slightly below the level of the A82 but is predominantly flat.
- 2.3 There are no natural or cultural heritage designations covering the site. Within the application boundary, there are no sites of archaeological interest recorded in the Highland Historic Environment Record.
- 2.4 The development site is not covered by any international, national, regional or local landscape designations. The site lies within the Inverness Firth Commercial and Harbour Area Character Type (LCT) as identified in the Inverness District Landscape Character Assessment (LCA) (SNH, 1999).

3.0 PLANNING HISTORY

- 3.1 15.08.2016 - Environmental Impact Assessment Screening Request for development of proposed Justice Centre. Determined Environmental Impact Assessment is not required (16/03349/SCRE)
- 3.2 20.07.2016 - Proposal of Application Notice for Development of Proposed Justice Centre (16/03177/PAN)

4. PUBLIC PARTICIPATION

- 4.1 Advertised : Unknown Neighbour, advertised in the Inverness Courier

Representation deadline : 16 December 2016

Timeous representations : 0
Late representations : 0

- 4.2 No representation to the application have been received.

5. CONSULTATIONS

- 5.1 **Forestry Officer:** does not object to the application. Conditions are requested related to the provision of a tree protection plan and implementation of the submitted landscaping plan.
- 5.2 **Contaminated Land:** do not object to the application. A condition is sought to secured a scheme to deal with the potential contamination on the site.
- 5.3 **Historic Environment Team:** do not object to the application.
- 5.4 **Flood Risk Management Team:** do not object to the application. A condition is sought to secure a detailed drainage design.
- 5.5 **Transport Planning:** do not object to the application. Clarification is sought over the access off Burnett Road to the service yard, visibility splays and provision of pick up / drop off area off Longman Road. Conditions are sought to secure cycle

parking provision, travel plan, and improvements to the active and sustainable travel connection.

- 5.6 **Environmental Health:** do not object to the application.
- 5.7 **Development Plans:** do not object to the application. A condition is sought to secure improvements to the active travel connections to the city centre. Clarification is sought in relation to the northern edge of the development site.
- 5.7 **Crown and City Centre Community Council:** do not object. Concerns are raised in relation to parking provision and there is a need to encourage use of public transport by staff and visitors.
- 5.8 **Scottish Environment Protection Agency:** do not object to the application. SEPA request that the drainage strategy drawing from the Drainage Impact Assessment is dealt with as an approved plan.
- 5.9 **Transport Scotland:** do not object to the application. Conditions are sought in relation to proposed barriers / gates at the access onto Longman Road, off-site signage, provision of a pedestrian guard rail, lighting, landscaping, drainage, travel plan and restrictions on the access between Burnett Road and Longman Road.
- 5.10 **Scottish Water:** have not responded to the consultation.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

Policy 4	Longman Core Development
Policy 28	Sustainable Design
Policy 29	Design Quality and Place-Making
Policy 30	Physical Constraints
Policy 31	Developer Contributions
Policy 34	Settlement Development Areas
Policy 41	Business and Industrial Land
Policy 42	Previously Used Land
Policy 51	Trees and Development
Policy 56	Travel
Policy 57	Natural, Built and Cultural Heritage
Policy 58	Protected Species
Policy 63	Water Environment
Policy 64	Flood Risk
Policy 65	Waste Water Treatment
Policy 66	Surface Water Drainage
Policy 72	Pollution
Policy 75	Open Space
Policy 77	Public Access

6.2 Inner Moray Firth Local Plan (July 2015)

Policy 1 Promoting and Protecting City and Town Centres
Policy 2 Delivering Development
Inverness Settlement Development Area
Allocation IN4 Mixed Use - Business, Industrial, Community, Leisure.

6.3 **Inverness Local Plan (Adopted 2006, Continued in Force 2012)**

The provisions of the Inverness Local Plan have been superseded in relation to this application by the adoption of the Inner Moray Firth Local Plan.

6.4 **Highland Council Supplementary Guidance**

The following Supplementary Guidance forms a statutory part of the development plan and is considered relevant to the determination of this application.

- Developer Contributions: Supplementary Guidance (2013)
- Flood Risk and Drainage: Supplementary Guidance (2013)
- Managing Waste in New Developments: Supplementary Guidance (2013)
- Physical Constraints: Supplementary Guidance (2013)
- Public Art Strategy: Supplementary Guidance (2013)
- Sustainable Design: Supplementary Guidance (2013)

7. **OTHER MATERIAL CONSIDERATIONS**

Draft Supplementary Guidance

- 7.1
- Inverness City Centre Development Brief Consultation Draft (December 2016)

Development Briefs

- 7.2
- The following development briefs are material considerations but have been largely superseded by the publication of the draft Inverness City Centre Development Brief (December 2016):

- Longman Core Development Brief (2006); and
- Inverness City Centre Development Brief (2013).

Scottish Government Planning Policy and Guidance

- 7.3
- Scottish Planning Policy (2014)
 - National Planning Framework 3 (2014)
 - Designing Streets (2011)
 - Creating Places (2013)
 - PAN 33 - Development of Contaminated Land
 - PAN 61 - Sustainable Drainage Systems
 - PAN 66 - Planning applications Affecting Trunk Roads
 - PAN 68 - Design Statements
 - PAN 75 - Planning for Transport

- PAN 77 - Designing for Safer Places
- PAN 1/2011 Planning and Noise

8. PLANNING APPRAISAL

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

8.3 Development Plan Policy Assessment

8.3.1 Development plan policy is set out in the Highland-wide Local Development Plan and the Inner Moray Firth Local Development Plan and statutorily adopted supplementary guidance. The site is within the settlement development area where there is general support for development. The frontage of the site onto Longman Road is part of an allocation for mixed uses. The proposed development is consistent with the allocation which includes a number of developer requirements. These requirements include matters related to standard of architecture, landscaping of the frontage to the A82, provision of active travel connections and improved access from the local road network. These matters will be considered in detail elsewhere in this report. The development is within the City Centre as defined by the Inner Moray Firth Local Development Plan.

8.3.2 This development will replace the existing court facility based at Inverness Castle which the applicant has advised is no longer fit for purpose. The proposed development will be the first of its kind in Scotland where courts co-locate with other support services to deliver a more integrated service. The redevelopment of previously used land is widely supported. The key issues are therefore whether the scheme submitted provides an acceptable level of development. The key considerations that the Committee must consider are:

- Siting, design and layout;
- Traffic impact and road infrastructure;
- Impact on the water environment (including SuDS);
- Impact on the natural environment; and
- any other material considerations.

8.4 Material Considerations

Siting, Design and Layout

8.4.1 The site is within a prominent location at a gateway to Inverness City Centre. Any development on this site will define the character of the City as it is now and the vision of Inverness for the future. The draft Inverness City Centre Development Brief (December 2016) provides guidance for the site. This states:

- creation of strong, well defined urban character, with a gateway feature, on

- a key approach route to the city centre;
- development of prominent, high quality landmarks to enhance the character and identity of this part of the city;
- make significant improvements to active travel links to city centre and centres of employment.

Further detailed design guidance is set out covering matters related to height of development; structure of development; massing and elevational treatments; frontages; materials and colour; active travel and public transport; vehicle access; public realm; and parking and servicing. These issues are addressed elsewhere in this report.

- 8.4.2 The layout and design of the proposed development ensures that Longman Road and Burnett Road are appropriately addressed. The primary entrance to the building is on Longman Road with key features of the design and creation of an area of public realm drawing visitors into the site. Burnett Road provides a secure entrance to be shared with Police Scotland. The design provides some active frontage to Burnett Road following through the design from the front of the building to the frontage to Burnett Road.
- 8.4.3 Given that the wider area includes a significant derelict building (former Inverness College UHI building), it is important that the development of the Justice Centre takes into account and addresses the development potential of the neighbouring site. In order to achieve this, a new street will be created between Longman Road and Burnett Road along the northern boundary of the site. This will serve as an access to the majority of the staff parking for the Justice Centre with individual accesses provided to each of the office users. It should be noted that this is not a through route. This will create an active frontage facing on to the adjacent site. No use has yet been identified for the adjacent site, however it is considered the approach of creating a street will serve to address any future development in this location. While the red line boundary includes an area beyond this new street, no built development is proposed in this area as part of this application.
- 8.4.4 Given the synergy between the proposed development and the Police Scotland Area Command to the north, the proposal involves shared use of existing and proposed secure facilities. This includes the use of a joint secure van docking area and secure parking access from Burnett Road.
- 8.4.5 The building is in a “V-shape” with each wing of the building following the site boundaries. The northern wing, adjacent to the proposed new street, will house support services and ancillary office users. This part of the building is two storeys in height. The southern wing, adjacent to Police Scotland Area Command, will accommodate the courts together with the associated security services. A café is proposed for the ground floor area. This part of the development will be three storeys in height, with the additional height used to shield external plant from view. This part of the development also includes internal landscaped court yards allowing natural light to flow down through the building. The client brief for the development included the need to provide opportunities to avoid contact between different users of the Justice Centre and the central atrium for internal circulation is key to meeting this element of the client brief.

- 8.4.6 The “V-shape” of the building has created an opportunity for a significant area of public realm to the front of the building facing Longman Road. This meets with the aspirations of the draft City Centre Development Brief and will help to create a more attractive entrance to the City Centre. As a secondary function this space also provides an opportunity for a wider cycle way and footpath along the frontage of the site.
- 8.4.7 The applicant has provided a design for this space which shows the use of slopes, steps, bespoke street furniture and soft landscaping which together will create a visually interesting and usable open space. Using the shape of the building and its orientation to Longman Road, and the colonnades has helped to provide a space which strikes a balance between enclosure and openness.
- 8.4.8 The external finish of the building is predominantly polished white pre-cast concrete and glass. The elevations of the building each have different functions and this is reflected in the shape of the colonnades and pre-cast panels. The applicant has advised that the material specification is, “*a careful balance between specification of materials that are durable, sustainability credentials, low maintenance, vandal proof, affordable....improve with age...*”. This is not disputed and it is considered that the materials proposed will work well with the design of the development and compliment the materials on the adjacent Police Scotland Area Command building.

Traffic and Transportation Impact

- 8.4.9 As described in section 1.4 of this report, the site will have 3 accesses for motorised vehicles leading to parking facilities:
- Burnett Road (11 car parking spaces, including 2 disabled car parking spaces and 2 motorcycle parking spaces)
 - Longman Road, adjacent to Police Scotland Area Command (10 car parking spaces)
 - Longman Road, adjacent to former Inverness College UHI building (6 disabled car parking spaces for use of public, drop off area, 2 disabled car parking spaces for use of staff, 57 car parking spaces and 1 motorcycle parking space).
- 8.4.10 It is proposed that the development will be predominantly accessed by walking, cycling and public transport. Transport Planning has acknowledged this with an acceptance of a lower parking provision for the site given the City Centre location. The applicant anticipates that those using private cars will park at Rose Street Car Park and then walk to the proposed development. When avoiding the use of steps this is a distance of 410m. This is considered an acceptable walking distance, however, as set out in the draft City Centre Development Brief, there is a need for improved connectivity from Rose Street Car Park, Farraline Park Bus Station and Inverness Railway Station. This matter has been raised by both Transport Planning and the Development Plans Teams in their consultation responses.
- 8.4.11 Transport Planning has listed a number of improvements that could be made to the route between the City Centre and the proposed development that may help to

create better active travel connections to and from the site. This includes the following:

- Improvements to the Rose Street Underpass and the approach to it;
- Improvements to the footpath along the frontage of the Rose Street Car Park;
- Improvements to the footpaths along Railway Terrace; and
- Improvements to the linkages between Inverness Railway Station and Strothers Lane.

8.4.12 Of these, the improvements considered reasonable for the applicant to deliver relate to environmental improvements which will serve to enhance the overall amenity of the journey rather than improvements to the existing infrastructure. This reflects the fact that the infrastructure is largely already in place and it will provide an opportunity for the proposed development to create and enhance such connections through delivery of environmental improvements. Implementation of the required finalised Travel Plan Framework will enable delivery of better quality connections. This is anticipated to include directional signage, removal of street furniture and other obstacles within footways and cycleways, and improvements to the quality of the public realm. These improvements will enhance the existing infrastructure to the benefit of all users. These environmental improvements to the active travel connections will be secured by condition involving submission of a scheme which will involve consultation with Transport Planning.

8.4.13 The wider infrastructure improvements suggested in the draft City Centre Development Brief require a much wider ranging scheme of improvements than that which could reasonably be expected to be delivered solely by a development of this scale and in this location. Rather, it will serve as a catalyst for future developments within this area with each working towards achieving the high quality improvements set out in the draft Brief. What is proposed is considered proportionate to the development and moreover, is within the scope of the developer to deliver in terms of land ownership. It is important too to ensure that any improvements do not adversely impact on the free flow of traffic on the local or trunk roads networks.

8.4.14 The level of parking proposed has been agreed by Transport Planning subject to conditions seeking improvements to the active travel linkages and the submission, approval and implementation of a Travel Plan Framework. Transport Planning have also requested that a formal drop off / pick up area is provided. This has been agreed with the applicant and details of this will be secured by condition.

8.4.15 The site is well served by public transport and a bus stop is located immediately to the north east of the site on Longman Road. This bus stop includes infrastructure for delivery of real time information. It is anticipated that encouraging the use of public transport will be included in the final Travel Plan Framework.

8.4.16 The applicant has demonstrated to the satisfaction of Transport Planning and Transport Scotland that there will be no increase in intensification of the use of the trunk or local road network as a result of the development. This has been established using the previous uses of the site as a base. With that said

clarification is still sought over visibility splays at the accesses to the site and at the Burnett Road / Harbour Road junction and details of the shared access to the site from Burnett Road. These details can be secured by condition.

- 8.4.17 Transport Scotland seek a number of conditions relating to the trunk road interests in the site. These are considered acceptable and will be incorporated into any planning permission which may be granted. The condition of note is that there shall be no motorised vehicular link between Longman Road and Burnett Road. This is to ensure that the new street being created does not become a 'rat-run'. While access from Longman Road is to be gated and there is no built road from the car park on the northern boundary to Burnett Road, this is considered a reasonable condition to attach for the avoidance of doubt.

Impact on the water environment (including SuDS)

- 8.4.18 The proposed development will connect to the public water and waste water network. Surface water drainage will be dealt with via a Sustainable Water Drainage System (SuDS). Neither the Council's Flood Risk Management Team nor SEPA have objected to the proposed development.
- 8.4.19 SEPA have requested that the drainage strategy drawings comprise the approved plans and the Council's Flood Risk Management Team are generally content with the drainage arrangements subject to review of the final solution. As such a condition will be attached to secure a detailed drainage strategy.

Impact on the natural environment

- 8.4.20 The proposed development site contains limited natural features due to its former uses. With that said there are a number of trees on the site and a building which may contain potential habitat for bats.
- 8.4.21 The trees on the site are small and the Forestry Officer advises that these could be removed, provided appropriate replacements are secured. The landscaping plan submitted with the application shows the replacement of these trees with a number of more suitable species to be planted in properly engineered tree pits to ensure the growth of the trees. The Forestry Officer has accepted the landscaping proposals, as submitted.
- 8.4.22 The applicant has prepared and submitted a Bat Preliminary Roost Assessment. This demonstrates that while the former bus depot has some potential this is negated due to the presence of feral pigeons and climatic exposure within the building. As such the assessment concludes that there is negligible potential to host roosting bats and negligible hibernation potential.

Other Material Considerations

- 8.4.23 The Council's Historic Environment Team has reviewed the proposal and does not anticipate that the impact on historic environment assets will be of concern.
- 8.4.24 Neither the applicant nor the Council's Environmental Health Officer anticipate that

the development will create significant levels of additional noise during operation. It is however anticipated that during demolition and clearance of the existing site there may be significant noise levels which may have an adverse impact on neighbouring properties. This issue can be controlled by Environmental Health through their powers under the Control of Pollution Act 1974 (As Amended).

8.4.25 As with any development of this scale, the site clearance and construction process is likely to lead to some disruption on the road network and to the environment. As this is likely to be the case both a Construction Environmental Management Document approach and a Construction Traffic Management Plan will be secured by condition.

8.4.26 The former use of the site as a bus depot may have resulted in contamination of the site. As this is the case the Contaminated Land Team has recommended that a scheme for dealing with potential contamination is submitted to the Planning Authority for approval in advance of development commencing on the site. This is recommendation is accepted.

9. CONCLUSION

9.1 The proposal seeks to deliver a new development on a vacant site within Inverness City Centre. The site sits on a gateway to the City and the proposal delivers a design befitting the prominent location, while reflecting the character of the surrounding area. Subject to relevant matters being addressed by condition, this proposal will deliver the aspirations for the redevelopment of the area as set out in the draft City Centre Development Brief.

9.2 Following design and layout, the key issue is motorised and non-motorised access. It is considered that subject to the provision of off-site environmental improvements to the active travel linkages and the promotion of access to the site by active and sustainable travel links, the site is in a suitable location that can be readily accessed.

9.3 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

10. RECOMMENDATION

10.1 Subject to the above, it is recommended that planning permission be **granted** subject to the following conditions:

1. No development shall commence until a Construction Environmental Management Document (CEMD), in accordance with The Highland Council's Guidance Note on Construction Environmental Management Process for Large Scale Projects (August 2010) (as amended, revoked or re-enacted; with or without modification), has been submitted to, and approved in writing by, the Planning Authority. The

CEMD shall be submitted at least two months prior to the intended start date on site and shall include the following:

- i. An updated Schedule of Mitigation (SM) drawing together all approved mitigation proposed in support of the application and other agreed mitigation (including that required by agencies and relevant planning conditions attached to this permission);
- ii. Change control procedures to manage/action changes from the approved SM, CEMD and Construction Environmental Management Plans;
- iii. Construction Environmental Management Plans (CEMPs) for the construction phase, covering:
 - a. Habitat and Species Protection;
 - b. Pollution Prevention and Control;
 - c. Dust Management;
 - d. Noise and Vibration Mitigation;
 - e. Site Waste Management;
 - f. Surface and Ground Water Management;
 - i. Drainage and sediment management measures from all construction areas; and
 - ii. Mechanisms to ensure that construction will not take place during periods of high flow or high rainfall.
 - g. Public Water Supply Protection Measures;
 - h. Emergency Response Plans; and
 - i. Other relevant environmental management as may be relevant to the development.
- iv. Special Study Area plans for:
 - a. Any other specific issue identified within the Schedule of Mitigation and/or conditions attached to this permission;
- v. Unless conditioned separately as part of this permission, details for the appointment, at the developer's expense, of a suitably qualified Environmental Clerk of Works (ECoW), including roles and responsibilities and any specific accountabilities required by conditions attached to this permission;
- vi. A statement of responsibility to 'stop the job/activity' if a breach or potential breach of mitigation or legislation occurs; and
- vii. Methods for monitoring, auditing, reporting and the communication of environmental management on site and with client, Planning Authority and other relevant parties.

Thereafter, development shall be carried out in accordance with the approved Schedule of Mitigation, Construction Environmental Management Document and any Construction Environmental Management Plans approved thereunder.

Reason : To ensure that the construction of the development is carried out appropriately and does not have an adverse effect on the environment.

2. No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to, and approved by, the Planning Authority in consultation with the relevant Roads Authority(s). The CTMP, which shall be implemented as approved during all period of construction, must include:
- i. A description of all measures to be implemented by the developer in order to manage traffic during the construction phase (incl. routing strategies), with any additional or temporary signage and traffic control undertaken by a recognised suitably qualified traffic management consultant;
 - ii. The identification and delivery of all upgrades to the public road network to ensure that it is to a standard capable of accommodating construction related traffic (including the formation or improvement of any junctions leading from the site to the public road) to the satisfaction of The Highland Council and Transport Scotland, including;
 - An initial route assessment report for construction traffic, including swept path analysis and details of the movement of any street furniture, any traffic management measures and any upgrades and mitigations measures as necessary;
 - iii. A procedure for the regular monitoring of road conditions and the implementation of any remedial works required during construction periods.
 - iv. A detailed protocol for the delivery of loads/vehicles, prepared in consultation and agreement with interested parties. The protocol shall identify any requirement for convoy working and/or escorting of vehicles and include arrangements to provide advance notice of larger load movements in the local media. All such movements on Council maintained roads shall take place outwith peak times on the network, including school travel times, and shall avoid local community events.
 - v. A detailed delivery programme for larger load movements, which shall be made available to Highland Council and community representatives.
 - vi. Details of any upgrading works required at the junction of the site access and the public road. Such works may include suitable drainage measures, improved geometry and construction, measures to protect the public road and the provision and maintenance of appropriate visibility splays.
 - vii. Details of appropriate traffic management which shall be established and maintained at the site access for the duration of the construction period. Full details shall be submitted for the prior approval of Highland Council, as roads authority.
 - viii. Wheel washing measures to ensure water and debris are prevented from discharging from the site onto the public road;

- ix. Appropriate reinstatement works shall be carried out, as required by Highland Council, at the end of the construction of the development.
- x. Measures to ensure that construction traffic adheres to agreed routes.
- xi. A concluded agreement in accordance with Section 96 of the Roads (Scotland) Act 1984 under which the developer is responsible for the repair of any damage to the local road network that can reasonably be attributed to construction related traffic. As part of this agreement, pre-start and post-construction road condition surveys must be carried out by the developer, to the satisfaction of the Roads Authority(s). It will also require the submission of an appropriate financial bond acceptable to the Council in respect of the risk of any road reconstruction works.

Thereafter the approved Construction Traffic Management Plan shall be implemented in full, unless otherwise approved in writing by the Planning Authority.

Reason : To maintain safety for road traffic and the traffic moving to and from the development, and to ensure that the transportation of abnormal loads will not have any detrimental effect on the road network.

3. No development shall commence until full details of the drop off / turning area to be access from the A82 (T) Longman Road, has been submitted to and approved in writing by the Planning Authority in consultation with Transport Scotland.

Reason : In the interests of road safety and free flow of the trunk road network.

4. No development shall commence on site until a scheme including full details of the following (including scale plans as necessary) has been submitted to, and approved in writing by, the Planning Authority:
 - i. The delivery of public realm enhancements to the active travel routes between the site and the following locations:
 - Rose Street Car Park;
 - Farraline Park Bus Station; and
 - Inverness Railway Station.

Such improvements may include but are not limited to:

- a. Improved lighting and environmental improvements at the entrances to the underpass between Rose Street and Innes Street and at the access steps up to Longman Road from Rose Street/Railway Terrace;
- b. Removal and/or rationalisation of street furniture on Railway Street and Rose Street; and
- c. Directional signage for pedestrians and cyclists.

Thereafter the upgrades and other work approved under part (i) above shall be completed to the satisfaction of the Planning Authority, in line with the attached schedule and at the expense of the development, before first occupation of the

development, or as otherwise agreed in writing with the Planning Authority.

Reason : In the interests of pedestrian and cycle safety.

5. The development shall not be occupied until a detailed Travel Framework Plan for the whole development, which sets out proposals for reducing dependency on the private car, has been submitted to, and approved in writing by, the Planning Authority.

The detailed Travel Framework Plan shall include:

- a. Measures for extending and/or increasing the active travel opportunities in the area;
- b. Details for the management, monitoring, review and reporting of these measures;
- c. Details of Employee Travel Packs to be distributed to each occupant of the premises upon occupation.
- d. A system of management, monitoring, review, and reporting.

The Travel Framework Plan shall be implemented as approved from the commencement of development to the date of completion of the development.

Reason : In order to reduce the dependency on the private car and encourage the use of sustainable and active transport.

6. No development shall commence until details of the all access arrangements from the local and trunk road network have been submitted to and approved in writing by the Planning Authority and Transport Scotland. This includes details of visibility splays at the Harbour Road / Burnett Road Junction, and details of the proposed barriers / gates at the accesses to the site. Thereafter the approved details shall be implemented.

Reason : In the interests of road safety and free flow of the local and trunk road networks.

7. The development shall not be occupied until details of the proposed wording, size and location of off-site signage have been submitted and approved in writing the Planning Authority.

Reason : To ensue that the movement of vehicles is confined to the permitted means of access, thereby reducing the danger to and interference with the free flow of traffic on the trunk road.

8. No development shall commence until a plan is submitted and approved in writing by the Planning Authority, in consultation with Transport Scotland, detailing the size, location and design of the a pedestrian guardrail to be installed along the side of the section of the A82 Longman Road adjacent to the application site boundary. Thereafter the approved details shall be implemented prior to commencement of development.

Reason : To maintain safety for pedestrians and trunk road users.

9. No development shall commence until full details of any external lighting to be used within the site and/or along its boundaries and/or access have been submitted to, and approved in writing by, the Planning Authority. Such details shall include full details of the location, type, angle of direction and wattage of each light which shall be so positioned and angled to prevent any direct illumination, glare or light spillage outwith the site boundary. Thereafter only the approved details shall be implemented.

Reason : In order to ensure that any lighting installed within the application site does not spill beyond the intended target area, does not impact adversely upon the amenity of adjacent properties and to ensure there will be no distraction or dazzle to drivers on the trunk road so that the safety of the traffic on the trunk road will not be diminished.

10. No development shall commence until a until final details of the landscaping treatment along the trunk road boundary has been submitted to and approved in writing by the Planning Authority, in consultation with Transport Scotland.

Thereafter, the Landscape Planting Plan shall be implemented in full during the first planting season following commencement of development or as otherwise agreed in writing by the planning authority. A suitably qualified landscape consultant must be employed to ensure that the new planting is carried out and maintained as per the Landscape Planting Plan (Drg No 940/IJC/LPP/01) and the Outline Landscape Specification and Maintenance document for one year following the first planting season.

Reason : In the interests of amenity and to ensure there will be no distraction to drivers on the trunk road.

11. For the avoidance of doubt there shall be no drainage connections to the trunk road drainage system.

Reason : To ensure that the efficiency of the existing trunk drainage network is not adversely affected.

12. For the avoidance of doubt there shall be no direct access route from Burnett Road to the A82 Longman Road.

Reason : To ensure that the safety of trunk road traffic is not compromised.

13. No development shall commence until full details of a covered and secure communal bicycle storage/racking system for 68 bicycles have been submitted to, and approved in writing by, the Planning Authority. Thereafter, the storage/racking system shall be installed in accordance with these approved details prior to the first occupation of the development hereby approved.

Reason : In order to facilitate the use of bicycles to access the site.

14. No development shall commence until a scheme to deal with potential contamination within the application site has been submitted to, and approved in

writing by, the Planning Authority. The scheme shall include:

- i. the nature, extent and type of contamination on site and identification of pollutant linkages and assessment of risk (i.e. a land contamination investigation and risk assessment), the scope and method of which shall be first submitted to and approved in writing by with the Planning Authority, and undertaken in accordance with PAN 33 (2000) and British Standard BS 10175:2011+A1:2013 Investigation of Potentially Contaminated Sites - Code of Practice;
- ii. the measures required to treat/remove contamination (remedial strategy) including a method statement, programme of works and proposed verification plan to ensure that the site is fit for the uses proposed;
- iii. measures to deal with contamination during construction works;
- iv. in the event that remedial action be required, a validation report that validates and verifies the completion of the approved decontamination measures;
- v. in the event that monitoring is required, monitoring statements submitted at agreed intervals for such time period as is considered appropriate in writing by the Planning Authority.

Thereafter, no development shall commence until written confirmation that the approved scheme has been implemented, completed and, if required, on-going monitoring is in place, has been issued by the Planning Authority.

Reason : In order to ensure that the site is suitable for redevelopment given the nature of previous uses/processes on the site.

15. No development shall commence on site until a scheme for the inclusion of public art within the development, including types and locations of artworks and the management and maintenance thereof, has been submitted to, and approved in writing by, the Planning Authority. The approved scheme shall be implemented prior to occupation of the development and maintained in perpetuity.

Reason : To ensure the delivery of a development with a unique identity which facilitates the creation of place.

16. Prior to any site excavation or groundworks, all retained trees are to be protected against construction damage using protective barriers located beyond the Root Protection Area (in accordance with BS5837:2012 Trees in Relation to Design, Demolition & Construction). Barriers are to remain in place throughout the construction period and must not be moved or removed without the prior written approval of the Planning Authority.

Reason : To ensure the protection of retained trees throughout the construction period.

17. No development shall commence until full details of the drainage arrangements, including surface water drainage, for the site are submitted and approved in writing by the Planning Authority. These details shall conform to the strategy as set out in the Drainage Impact Assessment and shall include percolation test results to

support any on site infiltration. Thereafter the approved details shall be implemented prior to first occupation of the site.

Reason : In order to protect the water environment and reduce the risk of flooding from surface water.

18. No development shall commence until a detailed Outdoor Access Plan of public access in proximity of the site which may be affected by the development (as existing, during construction and following completion) has been submitted to, and approved in writing by, the Planning Authority. The plan shall include details showing:

All existing access points, paths, core paths, tracks, rights of way and other routes, and any areas currently outwith or excluded from statutory access rights under Part One of the Land Reform (Scotland) Act 2003, within and adjacent to the application site;

- i. Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or effect on curtilage related to proposed buildings or structures;
- ii. All proposed paths, tracks and other routes for use by walkers, cyclists, all-abilities users, etc. and any other relevant outdoor access enhancement (including construction specifications, signage, information leaflets, proposals for on-going maintenance etc.);
- iii. Any diversion of paths, tracks or other routes, temporary or permanent, proposed as part of the development (including details of mitigation measures, diversion works, duration and signage).

The approved Outdoor Access Plan, and any associated works, shall be implemented in full prior to the first occupation of the development or as otherwise may be agreed within the approved plan.

Reason : In order to safeguard public access during the construction and operational phase of the development.

19. The ventilation system serving the development hereby approved shall be designed so that there is no requirement for the erection of an external flue or duct.

Reason : To ensure the integrity of the design of the building is maintained.

20. No development or work shall commence until a detailed specification for all proposed external materials and finishes for the development (including trade names and samples where necessary) has been submitted to, and approved in writing by, the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details.

Reason : In the interests of visual amenity.

21. No development or work shall commence on site until detailed plans, at a scale of 1:20, for the glazed units, the entrances and exits of the building and hard landscaping features have been submitted to, and approved in writing by, the Planning Authority. Thereafter, development and work shall progress in accordance

with these approved plans.

Reason : In order to ensure the detail of these elements are appropriately considered by the Planning Authority in advance of the commencement of development.

REASON FOR DECISION

The proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

Accordance with Approved Plans & Conditions

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or

result in formal enforcement action

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (p.198), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Scottish Water

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as dropped kerb consent, a road openings permit, occupation of the road permit etc.) from Community Services prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Community Services Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at:
<http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from:
<http://www.highland.gov.uk/yourenvironment/roadsandtransport/roads/Applicationformsforroadoccupation.htm>

Mud & Debris on Road

Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

Major Development Site Notice

Prior to the commencement of this development, the attached Site Notice must be posted in a publicly accessible part of the site and remain in place until the development is complete. This is a statutory requirement of the Town and Country Planning (Scotland) Acts and associated regulations.

Protected Species - Halting of Work

You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from SNH: www.snh.gov.uk/protecting-scotlands-nature/protected-species

Protected Species - Contractors' Guidance

You must ensure that all contractors and other personnel operating within the application site are made aware of the possible presence of protected species. They must also be provided with species-specific information (incl. guidance on identifying their presence) and should be made aware of all applicable legal requirements (incl. responsibilities and penalties for non-compliance).

Signature:

Designation: Area Planning Manager - South / Major Developments

Author: Simon Hindson

Background Papers: Documents referred to in report and in case file.

Relevant Plans:

Plan 1 - Site Layout 4352(PL)002

Plan 2 – Floor Plan 4352(PL)003

Plan 3 – Floor Plan 4352(PL)004

Plan 4 – Floor Plan 4352(PL)005

Plan 5 – Roof Plan 4352(PL)006

Plan 6 - Section Plan 4352(PL)007

Plan 7 - Section Plan 4352(PL)008

Plan 8 - Elevation Plan 4352(PL)009

Plan 9 - Elevation Plan 4352(PL)010

Plan 10 - Elevation Plan 4352(PL)011

Plan 11 - Elevation Plan 4352(PL)012

Plan 12 - Elevation Plan 4352(PL)013

Plan 13 - Elevation Plan 4352(PL)014

Plan 14 - Landscaping Elevations and Detail Plans 940-IJC-ES-01

Plan 15 - Landscaping Elevations and Detail Plans 940-IJC-ES-02

Plan 16 - Landscaping Elevations and Detail Plans 940-IJC-ES-03

Plan 17 - Landscaping Elevations and Detail Plans 940-IJC-ES-04

Plan 18 - Landscaping Elevations and Detail Plans 940-IJC-ES-05

Plan 19 - Landscape Plan 940-IJC-LGA-01

Plan 20 - Landscape Planting Plan 940-IJC-LPP-01